

**Superior Town Council
Town Council Meeting**

**Thursday, April 17, 2008
Superior Senior Center
Superior, Arizona**

M_I_N_U_T_E_S

A. Call to Order

Mayor Hing called the meeting to order at 7:07 p.m.

B. Salute to the Flag

Mayor Hing led the council, staff and audience in the pledge.

C. Opening Prayer

Mayor Hing led the Town Council, Staff and audience in an opening prayer.

D. Roll Call

Members_Present: Councilmember Cervantes, Second Vice Mayor Lopez, Mayor Hing, Councilmember Heglie, First Vice Mayor Valenzuela, Councilmember Peralta

Members_Absent: Councilmember Marquez,

A quorum was present and the meeting continued.

E. Consent Agenda

Mayor Hing introduced the items on the consent agenda. The items on the consent agenda for approval were:

Approval of Minutes for March 20th 2008

Street Closure on April 19th: Main Street to Save Money Market for Filming Crew

Mr. Benoit gave a brief presentation to the council about the commercial that will be filmed in Superior on April 19, 2008. He stated that they will pay off duty police officers to assist with the road closures and that the company would making a donation of some kind to the town. He stated that the donation would either be a pa system or possibly something for the skate park.

Blanket Permit for SSAC

Mr. Boggs gave a brief presentation on the upcoming Cinco de Mayo event he said it would be a drug and alcohol free event and would be on Saturday, May 3 from 10 a.m. to 2 p.m. the event would require street closures on Main and they were requesting to use the food court and restrooms.

Co-Sponsor with Chamber of Commerce "Memories on Main St."

Mr. Gutierrez explained this was another event being sponsored by the Chamber of Commerce he explained that they expected 100-200 classic cars at the event and they would not need Main St. closed but would like the restrooms open and food court to be available on May 31, 2008. He stated that the Chamber may need assistance with rental of port of johns and trash collection. He stated he would work with staff as the preregistrations came in.

Councilmember Heglie made a motion to accept the consent agenda. Second Vice Mayor Lopez seconded the motion. The motion passed unanimously.

F. Communication

Managers Report – Ms. Oliver

Ms. Oliver asked Ms. Brothers to introduce the new public works employees. The new employees are Jed Lant and James Gibson. Ms. Oliver also stated that Ms. Aja DeZeeuw has been hired as the finance director and she will start on May 12, 2008. She also updated the council on the Fire Station bids, Movie Theatre Abatement, past due sewer bill collection, and the increase in the pool parties. She also explained that all department heads have been informed they will need to make 20% decrease in their budgets for 2008-09.

Ms. Oliver also encouraged the council to find people who would be interested in serving on the Code Enforcement Appeals board. Ms. Oliver and the council also discussed and decided to postpone the budget retreat to allow the department heads to have more time to make necessary changes to their budgets.

Tax Code Work Session

Ms. Oliver reported that she is working with the League of Cities and towns to put together a series of work sessions to assist with setting up a tax code for the town.

Lets Talk Trash Report: Sue Anderson

Ms. Anderson stated that during the last clean up they removed 150,000 pounds of trash, 9,000 lbs of metal and close to 900 tires. She thanked the town for their support and she reported that they spent \$197.15 on the food items for the pot luck afterwards. She also stated that unfortunately the junk car program was not as successful as they had wished and stated that they would have to come back with a different idea on how to get people to get rid of their old cars.

Call to the Public

Mayor Hing announced the call to the public. He explained that anyone wishing to speak now could only speak directly to the Council and only for items not on the current agenda.

Manuel Ortega –stated that he knew the council would be having more vacancies and requested that the town hold special elections and let the people decide on the vacancies. He also said that the Mayor represents the whole town and the whole town is not in favor of the land exchange so the Mayor should not go to Washington and if he does then let Resolution pay for it. Mr. Ortega also informed the council that it was not a good idea to have the Apache Leap Day carnival on Main St. and that an elderly person got hurt trying to get to bingo.

Mr. Gilbert – Explained that he was thankful that we live in a democratic society and that Mayor Hing represents the majority of the people who voted for him. He explained that again the Town can not co-sponsor things with the Chamber of Commerce or any other group. He then went on to explain that the political action group called the group of 9 has met and are requesting more financial reporting. He stated the report they were given by the city was hard to read and they just want to ensure that funds are not being co-mingled. Mr. Gilbert also stated that several businesses and some of them owned by council members are not ADA accessible. He also asked the council not touch or decrease the Police Department budget because they are doing a great job and making a difference in the crime problems. He wished everyone a fantastic Week, Month and year.

Mr. Gutierrez – President of the Chamber of Commerce stated that he was not aware of many complaints about the carnival on Main St. He stated that he actually heard many positive comments from parents that they liked that the carnival was on Main St. because it allowed the kids to be in close proximity and they could partake in other adult activities. He also stated that he supports the Mayor doing what ever was necessary to promote economic development for our community.

Business

Possible Discussion and/or action on the following

Presentation/Introduction – Resolution Copper Company David Salisbury

Mr. Salisbury introduced himself to the council as the new President of Resolution Copper.

He explained some of the changes that the company has made and also reviewed his personal and professional background with the council. He stated that Resolution is committed to opening the mine and is focused on getting the land exchange passed. He stated that he will be the face and voice of the project. No further questions or comments were made during his presentation.

Discuss/Approve/Reject Resolution Copper Public Safety Agreement – Melanie Oliver

Ms. Oliver explained that the attorneys for the town and Resolution Copper had reviewed this final agreement and both approved of it. She stated this agreement was for the public safety services and the town would be paid \$100,000 a year for public safety services to the mine.

Councilmember Peralta asked about the other agreements that were pending for the social impact funds and the lands that the town would receive. Mr. Stevens attorney for Resolution Copper explained that the agreements were broken into three parts because of the complexity of each portion. He stated the Social Impact agreement was almost complete however the agreement regarding the lands received has been more difficult because of laws that prohibit towns from taking on certain debts or responsibilities without taking it to the public for a vote. He stated there is no dispute on amounts or anything it is just the matter of finding the correct agreements. He also stated that there are 2-3 options that they are researching so the land agreement could be completed.

Vice Mayor Valenzuela stated that he is concerned that Resolution has changed presidents and now they are also asking for the Mayor to testify and none of the agreements have been signed. He said he supports mining and everything but wants the agreements signed. He also stated that the in the earlier presentation they stated that the Governor was on board but just two weeks ago there was an article in the paper stating she was opposed.

Councilmember Peralta made a motion to approve the public safety agreement with Resolution. Councilmember Heglie seconded the motion. The motion passed unanimously

Discuss/Approve/Reject Mayor Hing's out of state attendance to testify on behalf of the Resolution Copper Senate Hearings in Washington D.C. – Melanie Oliver

Ms. Oliver read the letter sent by Resolution Copper requesting Mayor Hing to travel to Washington D.C. The letter stated that Resolution would be willing to cover travel and accommodations if needed.

Mayor Hing stated that he understood the feelings of the council that the agreements be signed. He stated that a good faith letter was sent to the Congressional delegation stating the town's support of the project.

Councilmember Peralta stated that she understands Vice Mayor Valenzuela's concerns but the council needs to do everything they possibly can to get this project done. Councilmember Heglie stated that he agreed with Councilmember Peralta.

Councilmember Cervantes stated that the Town has been trying to get these documents together for years and no one has wanted to sign anything. And all they want is to put these things in writing and sign them – he also stated that there are environmental issues that he feels may need to still be addressed.

Second Vice Mayor Lopez stated that she would be more comfortable with the Mayor traveling if the agreements were signed and the council could review the testimony prior to the Mayor actually testifying.

Mayor Hing stated that he agrees with the council that the documents need to be signed and also reminded the council that the mine will still have to go through the federal government permitting process for the environmental concerns. He stated that if the council did not feel he should go then they could vote in that manner but this was one way to support this project.

Councilmember Peralta asked since everyone who needs to sign the agreement was in attendance at the meeting that the Public Safety agreement be signed. At this time President Salisbury, Mayor Hing, Mr. Beers and Ms. Oliver all signed the agreement. A

signed copy of the agreement was hand delivered by Ms. Lira to Resolution staff.

Councilmember Peralta made a motion to allow Mayor Hing to travel to testify on behalf of Resolution Copper provided the council review the testimony prior to travel and that Resolution pays for the Mayors expenses. Councilmember Heglie seconded the motion. The motion was approved unanimously.

Presentation Transco proposal to purchase industrial lot – Jeff Brown

Mr. Brown explained that their company was interested in purchasing the industrial park lot for their business. He stated that the company builds and repairs conveyor belts and they employ 100 people in their Portland operations but would employ 20-30 at their Superior location with skill levels varying from laborer to skilled employees. He also stated that they could begin immediately. He also stated that they do not need all nine acres available on the lot. No further questions or comments were made.

Presentation Animal Rescue Facility and Sanctuary proposal to build and purchase – Carol Dodge

Ms. Oliver introduced this item and stated that they are interested in purchasing the old swimming pool property. Ms. Tanya Burke was introduced by Ms. Dodge from the Superior Animal Rescue League. Ms. Burke proceeded to give a presentation on animal shelters and gave her concerns and demands to the council regarding the need for a better animal shelter in Superior. Her presentation lasted 30 minutes. Ms. Dodge did come to the council and clarify that the town staff has been working with the Superior Animal League to accommodate the needs of the animals. No further comments were made.

Presentation Superior Chamber of Commerce Building Lease Agreement – Hank Gutierrez

Ms. Oliver explained that the lease agreement presented to the council was similar to the lease used by the Superior Historical Society. Mr. Gutierrez explained that the chamber would be sharing this office with the public works and planning department and the intention of the office would be to assist with the community development. He stated that the Chamber would keep the office open 40 hours a week in lieu of the Chamber paying rent or utilities. He also stated he understood that if the Chamber could not keep the office open 40 hours a week the town may charge a share of rent or utilities. Council directed staff to bring the agreement and a layout of the building to the May 1, 2008 meeting.

Discuss/Approve/Reject Superior Highlands Unit 3 Partial Bond Release – Nicholas Bernoski

Mr. Bernoski announced that Maguire Realty has met portions of their bond requirements he stated that they were eligible to have \$300,000 of their \$739,189.00 bond released. Councilmember Peralta made a motion to release a portion of the bond. Councilmember Heglie seconded the motion. The motion passed unanimously.

Discuss/Approve/Reject Support to Crime Free Superior Group: Police Explorers – Sgt. Campbell

Sgt. Campbell stated that the budget presented for the police explorers group was a best guess estimate. He stated that their plan was to have the officer work on this program during regular office hours and not have to use overtime. First Vice Mayor Valenzuela made a motion to support the Crime Free Superior Police Explorers group. Second Vice Mayor Lopez seconded the motion. The motion passed unanimously.

Discuss/Approve/Reject Resolution 476. A Resolution of the Mayor and Council of the Town of Superior, Arizona providing notice of the special election; Establishing polling places and voting districts and the times that such polls will be open and appointing election officials and fixing their compensation – Melanie Oliver

Ms. Oliver stated that this resolution was in regards to the upcoming special election. Mayor Hing asked her to read the resolution heading. Ms. Oliver read the resolution heading. Second Vice Mayor Lopez made a motion to accept the resolution. Councilmember Heglie seconded the motion. The motion passed unanimously.

Discuss/Approve/Reject removal and addition of check signers

Ms. Oliver stated that the bank required proof of council action to change, add or remove check signers to the bank account. She stated that Ms. Cordova and Ms. Aldrete would need to be removed. Councilmember Peralta made a motion to add Ms. Oliver, First Vice Mayor Valenzuela, Ms. DeZeeuw, and Second Vice Mayor Lopez. Councilmember Heglie seconded the motion. The motion passed unanimously.

Discuss/Approve/Reject resignation of Councilmember Procopio Coco Marquez

Councilmember Heglie made a motion to accept the resignation of Mr. Marquez. Councilmember Peralta seconded the motion. The motion passed unanimously. First Vice Mayor Valenzuela recommended that staff prepare a letter thanking Mr. Marquez for his service and also present him with a plaque.

Discuss/Approve/Reject to fill vacant council seat.

Ms. Oliver stated that because Councilmember Marquez seat was going to be empty for a over a year it should be filled. Discussion followed on weather or not this seat needed to be filled. Mr. Beers stated that he was not aware of the code and would need to clarify this before action should be taken on weather or not this seat should be filled. Councilmember Peralta made a motion to table this item to the next meeting. Councilmember Heglie seconded the motion. The motion passed unanimously.

Council Comments

Councilmember Peralta

No Comments

Councilmember Heglie

No Comments

Councilmember Cervantes

Referenced an issue at the elementary school regarding a swarm of bees and that the school felt the town should have done more regarding this issue. He explained how dangerous this situation could have been should the bees have been aggravated. Ms. Oliver updated the council on this issue and stated that the fire department was dispatched however she was told due to state law they could not remove the bees. Mr. Grey also stated that the fire department is not trained to handle bee removal they are trained to assist if a person is getting stung. Council directed staff to create a plan to address these issues.

Councilmember Marquez

Absent – No Comments

Second Vice Mayor Lopez

No Comments

First Vice Mayor Valenzuela

No Comments

Mayor Hing

Stated that both he and Vice Mayor Valenzuela have opened exploratory committees to run for county offices. He stated that Vice Mayor Valenzuela is running for County Sherriff and he is running for County Supervisor.

Mayor Hing announced that there would be an executive session. Councilmember Peralta made a motion to move into executive session. Councilmember Heglie seconded the motion. The council then moved into executive session at 9:49 pm.

J. Executive Session

The Town Council may or may not vote to go into Executive Session pursuant to ARS 38-431.03 (A-1), (A-3) & (A-7)

(A-1) – Personnel

(A-3) – Legal Advise with Attorney

(A-7) – Legal Advice on Sale, Lease, or Purchase of Real Property:

Discussion of selection of Melanie Oliver as Interim Town Manager

Council reconvened the public session of the meeting at 9:59 p.m.

K. In Public Session

Discuss/Approve/Reject selection of Melanie Oliver as Interim Town Manager

Councilmember Peralta made a motion to hire Ms. Oliver as the interim Town Manager effective

April 4th 2008 with a salary of \$60,320.00. Councilmember Heglie seconded the motion. The motion passed unanimously.

Adjournment

Councilmember Peralta made a motion to adjourn the meeting. Councilmember Heglie seconded the motion. The motion passed unanimously. The meeting was adjourned at 10:03 p.m.

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Meeting of the Town Council of the Town of Superior held on the 17thDay of March 2008. I further certify that the meeting was duly called and held and that a quorum was present.

/s/
Melanie Oliver _____
Melanie Oliver
Interim Town Manager

These minutes have been transcribed and complied by
Mila Lira
Miracle Executive Services
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